

1 BILL NO. S-87-04-63

2 SPECIAL ORDINANCE NO. S-11687

3 AN ORDINANCE approving the Contract
4 1037-86 - Province Drive-River
5 Park Drive Water Main, between
6 All Star Construction & Excavation,
Inc. and the City of Fort Wayne,
Indiana, in connection with the
Board of Public Works and Safety.

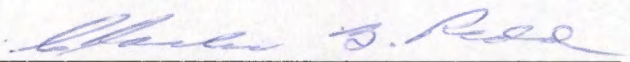
7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That the Contract 1037-86 - Province Drive-
10 River Park Drive Water Main, by and between All Star Construction
11 and Excavation, Inc. and the City of Fort Wayne, Indiana, in
12 connection with the Board of Public Works and Safety, for:

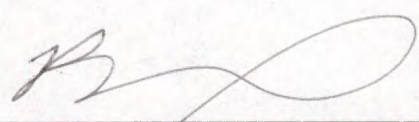
13 Water Main in and along Province
14 and River Park Drive in Concordia
Gardens;

15 the Contract price is Forty-Two THousand Forty-Six and 25/100
16 Dollars (\$42,046.25), all as more particularly set forth in said
17 Contract, which is on file in the Office of the Board of Public
18 Works and Safety and, is by reference incorporated herein, made
19 a part hereof, and is hereby in all things ratified, confirmed
20 and approved. Two (2) copies of said Contract are on file with
21 the Office of the City Clerk and made available for public inspection,
22 according to law.

23 SECTION 2. That this Ordinance shall be in full force
24 and effect from and after its passage and any and all necessary
25 approval by the Mayor.

26
27 
Councilmember

28 APPROVED AS TO FORM
29 AND LEGALITY

30 
31 Bruce O. Boxberger, City Attorney
32

Read the first time in full and on motion by Redd
seconded by Eisbart, and duly adopted, read the second time
by title and referred to the Committee City Utilities (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.

DATE: 4-28-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd
seconded by Eisbart, and duly adopted, placed on its
passage. PASSED (~~HOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 5-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-116-87
on the 12th day of May, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. O'Driscoll
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 13th day of May, 1987,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May,
1987, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BOARD OF PUBLIC WORKS AND SAFETY
Invitation For Bids/Award of Contract*

Page 1 of _____

(NON-FEDERALLY ASSISTED CONSTRUCTION)

PROJECT: PROVINCE DRIVE-RIVER PARK DRIVE CONTRACT#: ---
WATER MAIN

RESOLUTION # 1037-86

CONTENTS

Check if Contained	Pages	
<input checked="" type="checkbox"/>	1	Cover Sheet
<input checked="" type="checkbox"/>	I1 - I9	Instruction to Bidders
<input checked="" type="checkbox"/>	S1	Schedule
<input checked="" type="checkbox"/>	S2-3	Schedule of Items
<input checked="" type="checkbox"/>	GP1-GP7	General Provisions
		Special Conditions
<input checked="" type="checkbox"/>		Plans and Specifications
<input checked="" type="checkbox"/>		Drawings
<input checked="" type="checkbox"/>	S4	NOTES 1 AND 2
<input checked="" type="checkbox"/>	SS1-SS2	SUPPLEMENTARY SPECIFICATIONS

ATTACHMENTS

<input checked="" type="checkbox"/>	Anti-Apartheid Ordinance
<input checked="" type="checkbox"/>	Non-Collusion Affidavit
<input checked="" type="checkbox"/>	Bidder's Bond
<input checked="" type="checkbox"/>	Performance and Guaranty Bond
<input checked="" type="checkbox"/>	State Board of Accounts Form 96A
<input checked="" type="checkbox"/>	Certificate in Lieu of Form 96A
<input checked="" type="checkbox"/>	Prevailing Wage Scale - State of Indiana
<input checked="" type="checkbox"/>	Payment Bond
<input checked="" type="checkbox"/>	Warranty Bond
<input checked="" type="checkbox"/>	CERTIFICATION OF BIDDER/VENDOR (Anti-Apartheid Ord.)
<input checked="" type="checkbox"/>	CERTIFICATION OF NON-SEGREGATED FACILITIES

Discount for prompt payment (See General Provisions Clause)	10 Calendar Days _____ %	20 Calendar Days _____ %	30 Calendar Days _____ %	Other _____ %
Acknowledgement of Amendments	Amendment No.	Date	Amendment No.	Date

* * * * *

BID SUBMITTED

ALL STAR CONSTRUCTION & EXCAVATION INC.

CONTRACTOR

BY: Edward F. Foss
 ITS: EDWARD F. FOSS PRESIDENT

OFFER

DATE: 4/1/87

BIDDER AGREES TO KEEP BID OPEN FOR
 ACCEPTANCE FOR _____ (90 days
 unless otherwise specified)

COMPLIANCE: Donnell/Burns
 O.C. 6/86

B.O.W. NON-FEDERAL

AWARD WILL BE MADE ON THIS FORM

APPROVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

ACCEPTANCE OF BID/AWARD OF CONTRACT

CITY OF FORT WAYNE
 BOARD OF PUBLIC WORKS AND SAFETY

Curtis R. Smith
Ad Conacher

CITY OF FORT WAYNE
 MAYOR

Walter R.

AWARD DATE: 4-8-87

DATE _____

Minority Business Enterprise (MBE) is a business of which at least 51% is owned and controlled by minority group members. ("Minority" means Black, Hispanic, American Indian, Asian, Pacific Islander, and Alaskan Native). The minority owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the minority owners must be real, substantiated and documented.

Women Business Enterprise (WBE) is a business of which at least 51% is owned and controlled by women. The women owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the women owners must be real, substantiated and documented.

The contract for which this proposal/bid is prepared is governed by the MBE/WBE Ordinance. This form must be completed in order to be responsive to this IFB/RFP. If the participation goal of 7% for MBE and 2% for WBE are not met or exceeded in your bid or proposal, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated in determining whether the bidder/offeror is responsible.

A list of possible MBE/WBE contractors/suppliers are on file in the Compliance Office, Room 800, City-County Building, for Contractor review.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. _____ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership _____%.

For WBE specify percentage of women ownership _____%.

- B. _____ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm _____ (cross out inapplicable provision) is a joint venture partner.

The MBE/WBE firm (cross out inapplicable provision) shall have _____% participation (employees) _____% participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm _____. (cross out inapplicable provision)

- C. The undersigned commits 7 % of the total bid price as a subcontract to minority business enterprise participation. The MBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. West Acres	Fort Wayne	Landscaping
2. Ardmore Asphalt	" "	Asphalt
3. Haines Construction	" "	Concrete

- D. The undersigned commits 2 % of the total bid price as a subcontract to women business enterprise participation. The WBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Buzzard Bro. Trucking	Zanesville	Trucking
2.		
3.		

- E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(attach additional sheets as necessary)

ALL STAR CONSTRUCTION & EXCAVATION INC.

Contractor _____

Contractor _____

By Edward F. Foss

By _____

Its EDWARD F. FOSS PRESIDENT

Its _____

O.C. 2/85

B.O.W. Non-Fed

14. Minority/Female Hourly Employment Requirements.

The City's policy is to encourage a greater utilization of minority and/or female employees in City construction projects. The Board has, therefore, adopted a minimum goal of 17% of the total work hours on each project to be expended by minority and/or female employees. ("Minority" shall include: Blacks, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native.)

The bidder shall state in "A" below the percentage of total work hours which the bidder and his subcontractors will employ and utilize women and minority employees on this project. If a contract is awarded as a result of this bid, the percentage figure set forth in "A" shall become contractually binding on the bidder. The successful bidder will also be required to prepare reports for the City demonstrating compliance with this percentage and will allow city officials access to his records, facilities and work site and to those of his subcontractors to determine compliance.

The bidder must fill in the required blanks in this clause in order to be responsive to this IFB. If the bidder does not meet or exceed the hourly utilization goal of 17% minority/female participation, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated to determine whether the bidder is responsible.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons: _____

_____.

2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure:

(attach additional sheets if necessary)

Contractor ALL STAR CONSTRUCTION & EXCAVATION INC.

By Edward F. Foss EDWARD F. FOSS

Its _____ PRESIDENT

15. Required Prevailing Wage Schedule Payments - Pursuant to Indiana Code 5-16-7-1. All contractors and subcontractors working on the project awarded pursuant to this contract shall pay the prevailing wage rates for skilled, semi-skilled and unskilled laborers, workmen and mechanics. This wage determination has been made in accordance with the procedures set forth in Indiana Code 5-16-7-1. This determination and the required wage rates are available for examination by any prospective bidder at The Board of Public Works and Safety, 9th Floor, City-County Building, Fort Wayne, Indiana.

If a bidder is awarded a contract as a result of this Invitation for Bids, he/she/it shall file a schedule of wages, on forms provided by the City of Fort Wayne, demonstrating compliance with the wage rate determination. The successful prime contractor shall be responsible for obtaining schedules from all subcontractors. All schedules shall be filed before the contractor commences any work on the project.

Penalties for failure to pay the prevailing wage rate are set forth in Indiana Code 5-16-7-3.

16. Site Orientation. A site orientation (will/will not) be conducted by the City Engineers. If such an orientation is conducted, it will be held on the _____ day of _____, 19____, commencing at _____ o'clock ____ M. at the site of the project.

Regardless of whether a site orientation is conducted or not, bidders are required to visit the site of the work, and inform themselves fully of the conditions, under which the work will be performed. The bidders shall be responsible for all conditions that affect the work, including, but not limited to all sub-surface conditions.

SCHEDULE
Board of Public Works and Safety

The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the complete performance of the following project:

WATER RESOLUTION NO. 1037-86

PROVINCE DRIVE - RIVER PARK DRIVE WATER MAIN

For the furnishing of all labor, equipment, tools, power, transportation, miscellaneous equipment, etc., for the installation of 1,725± L.F. of 46" Class #50 Ductile Iron Water Main on Province Drive, and, on River Park Drive, from Garden Park Drive, southward and eastward to Riverton Drive.

All work will be performed in accordance with: Resolution/~~CONTRACT~~ 1037-86, the IFB, this contract and the applicable plans, specifications, and drawings for a TOTAL PRICE of \$42,046.25. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto).

The work shall be commenced within ten (10) days after The Board issues a written notice to proceed. All work shall be completed within 60 days after issuance of the notice to proceed. Those days which the contractor cannot work because of severely inclement weather shall not be counted.

☐ Liquidated Damages Provision. (This clause shall be applicable to this contract only if the box contains a checkmark or an "X".) It is hereby agreed by and between the City of Fort Wayne and Contractor that time is of the essence of this agreement and the contractor agrees that it will complete the project as herein defined on or before _____ days after issuance of the notice to proceed. The parties agree that it is a business and governmental necessity that the project be completed by this date, that it will be difficult or impossible to make an accurate determination of the damages that would be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$_____ per day for each and every day after _____ days after issuance of the notice to proceed that the project remains uncompleted. The parties agree that the sum of \$_____ per day is a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay the completion date. Therefore, the parties agree that delays in the completion date beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not necessarily limited to, the following: Acts of God, strikes, lockouts or industrial disturbances, acts of public enemies, restraining orders of any kind by the government of the United States of America or of the State of Indiana or any of their departments, agencies, or officials, or any civil or military authority, insurrections, riots, landslides, earthquakes, fires, incapacitating storms, floods, and explosions.

In submitting this bid, it is understood, that the right is reserved by the Owner to reject any and all bids, and to waive any defect in any bid.

IN WITNESS WHEREOF, the bidder (a firm) by its owner(s) named below, hereunto set hand(s) and seal this _____ day of _____ 19____.

FIRM NAME _____

BY: _____

IN TESTIMONY WHEREOF, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 1st day of April, 1987.

ALL STAR CONSTRUCTION & EXCAVATING INC.
NAME OF CORPORATION

BY: Edward F. Foss
PRESIDENT

EDWARD F. FOSS

ATTEST:

Cynthia S. Shearer
CYNTHIA S. SHEARER

CITY OF FORT WAYNE, INDIANA

IMPROVEMENT TO FORT WAYNE WATER UTILITY
SCHEDULE OF UNIT PRICES

PROVINCE DRIVE - RIVER PARK DRIVE RESOLUTION NO. 1037-86
SCHEDULE OF UNIT PRICES

<u>ITEM</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
1.	1725± L. F.	CL. #50, 6" DUCTILE IRON WATER MAIN	16.85	29,066.25
2.	4 EA.	6" VALVES W/BOX	280.00	1,120.00
3.	2 EA.	6" x 6" TEE	190.00	380.00
4.	2 EA.	6" x 22½° ELL (RESTRAINED)	120.00	240.00
5.	2 EA.	6" x 11¼° ELL	120.00	240.00
6.	3 EA.	TYPE III FIRE HYDRANT ASSEMBLY	1200.00	3600.00
7.	2 EA.	6" M. J. SOLID PLUG	25.00	50.00
8.	110± S. Y.	ASPHALT DRIVE REPLACEMENT	15.00	1650.00
9.	165± S. Y.	CONCRETE DRIVE REPLACEMENT	20.00	3300.00
10.	25± S. Y.	ASPHALT STREET REPLACEMENT	18.00	450.00
11.	100± L. F.	STONE AREA RESTORATION	5.50	550.00
12.	1400± L. F.	GRASS AREA RESTORATION	1.00	1400.00
TOTAL BID				42,046.25

NOTE 1:

Use this form, if Cashier's or Certified Check accompanies bid:

Enclosed herewith, find Cashier's or Certified Check for \$ _____
being _____% of the maximum bid herein, made payable to:

THE CITY OF FORT WAYNE, INDIANA

the proceeds of which, are to remain the absolute property of said City, if _____

BIDDER

shall not within _____ days after Notice of Acceptance of the within bid, enter into a written Contract, and secure said contract by a bond, for the full amount of the Contract to the approval of the proper officials of said City.

NOTE 2:

Use this form, if Bidder's Bond accompanies bids.

Enclosed herewith, find a Bidder's Bond in an amount equal to ten (10%) per cent of maximum bid herein, subject to the approval of the Board of Public Works and Safety, conditioned as follows:

That if the Board of Public Works and Safety shall award

ALL STAR CONSTRUCTION & EXCAVATING, INC.

5722 Langford Lane

the Contract for said work, and, if

ALL STAR CONSTRUCTION & EXCAVATING INC.

shall enter into a Contract and furnish a 100% Performance Bond, as required, within ten (10) days from the date, he/she/it is notified of the acceptance of his/her/its bid, then the obligation of said bond shall be null and void; otherwise, to remain in full force and effect.

NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or, has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the Contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person, whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner any of the proceeds of the Contract sought by this bid.

Edward F. Foss

ALL STAR CONSTRUCTION & EXCAVATION INC.

EDWARD F. FOSS PRESIDENT

Subscribed and sworn to before me by Edward F. Foss

this 1st day of April, 1987.

My Commission Expires:

August 7, 1989

Elenore Petroff
Elenore Petroff

NOTARY PUBLIC

Resident of Allen County, IN

Subscribed and sworn to before me by _____

this _____ of _____, 19____.

My Commission Expires:

NOTARY PUBLIC

Resident of _____ County, IN

Subscribed and sworn to before me by _____

this _____ day of _____, 19____.

My Commission Expires:

NOTARY PUBLIC

Resident of _____

County, IN

CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

1. EDWARD F. FOSS, the PRESIDENT
Name
Position, the ALL STAR CONSTRUCTION & EXCAVATING, INC.
Company

HEREBY CERTIFY:

1. That the Financial Statement of said Company, dated the 22 day of November, 19 86, now on file in the office of the Board of Public Works of the City of Fort Wayne, Indiana, which Financial Statement is by reference incorporated herein and made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,
2. That I am familiar with the books of said Company, showing its financial condition and am authorized to make this Certificate on its behalf.

DATED 4/21/87

Edward F. Foss
Edward F. Foss
Signature
EDWARD F. FOSS
PRESIDENT
Title

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, this 1 day of April, 19 87.

Elenore Petroff
Elenore Petroff
NOTARY PUBLIC
Resident of Allen County, IN

My Commission Expires:

August 7, 1989

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of ALL STAR CONSTRUCTION & EXCAVATING INC.
_____, does hereby make the following representations
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council
of the City of Fort Wayne, Indiana, has passed an ordinance con-
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,
firms or corporations submitting bids to the City, for goods and
services, certify, as part of the bid, that such entity does not
support the policies of apartheid in South Africa.

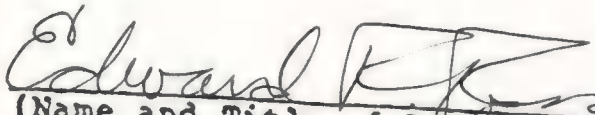
The undersigned states, on behalf of _____

ALL STAR CONSTRUCTION & EXCAVATING INC. that ALL STAR CONSTRUCTION & EXCAVATING INC.

does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed
this 1st day of April, 19 87.

ALL STAR CONSTRUCTION & EXCAVATING, INC.
(Name of Bidder/Vendor)


(Name and Title of Person Signing)
EDWARD F. FOSS PRESIDENT

CERTIFICATION OF NON-SEGREGATED FACILITIES

Each bidder is required to submit with his/her bid a fully executed Certificate of Non-Segregated Facilities.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The bidder certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The bidder certifies further that he/she will not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she will not permit his/her employees to perform their services at any location under his/her control where segregated facilities are maintained. The bidder agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid. As used in this certification, the term "segregated facilities" means any waiting rooms, work area, restrooms and washrooms, restaurant or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated of habit, local custom, or otherwise. The bidders agree that (except where he/she has obtained identical certification from proposed subcontractors for specific time periods) he/she will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the Equal Opportunity clause, and that he/she will retain such certifications in his/her files.

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

Date: April 1, 19 87

ALL STAR CONSTRUCTION & EXCAVATING INC.
(Name of Bidder)

By: Edward F. Foss

EDWARD F. FOSS

Title: PRESIDENT

Official Address (including ZIP code) : 5722 LANGFORD LANE

FORT WAYNE, IN 46804

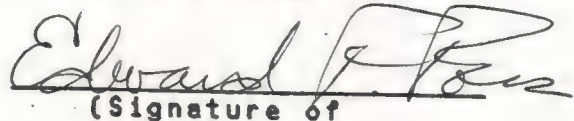
It is the policy of ALL STAR CONSTRUCTION & EXCAVATING that equal
(Company)
employment opportunity be afforded to all qualified persons
without regard to race, religion, color, sex or national
origin.

In support of this policy ALL STAR CONSTRUCTION & EXCAV. INC will not
(Company)
discriminate against any employee or applicant for employment
because of race, religion, color, sex or national origin.

The ALL STAR CONSTRUCTION & EXCAV. INC will take affirmative action
(Company)
to insure that applicants are employed and that employees are
treated during employment without regard to their race,
religion, color, sex or national origin. Such action will
include but not be limited to:

RECRUITMENT, ADVERTISING OR SOLICITATION FOR EMPLOYMENT,
HIRING, PLACEMENT, UPGRADING, TRANSFER OR DEMOTION, SELECTION
FOR TRAINING INCLUDING APPRENTICESHIP, RATES OF PAY OR OTHER
FORMS OF COMPENSATION, LAYOFFS OR TERMINATION.

ALL STAR CONSTRUCTION & EXCAVATING, INC.
(Name of Company)



(Signature of
Company Official)
EDWARD F. FOSS/president

4/1/67

(Date)

BID BOND

Approved by The American Institute of Architects,
A.I.A. Document No. A-310 (Feb. 1970 Edition)



The
Continental
Insurance
Companies

KNOW ALL MEN BY THESE PRESENTS,

That we ALL STAR CONSTRUCTION & EXCAVATING, INC.
and CONTINENTAL INSURANCE COMPANY as Principal, hereinafter called the Principal,
of New York
a corporation duly organized under the laws of the State of New Hampshire, as Surety, hereinafter called the Surety, are held
and firmly bound unto the City of Fort Wayne
in the sum of Ten Per Cent (10%) of Maximum Bid, as Obligee, hereinafter called the Obligee,
(\$), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind our-
selves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Resolution 1037-1986
Province Drive-River Park Drive
Water Main

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 1st day of April A. D. 19 87

ALL STAR CONSTRUCTION & EXCAVATING, INC. (Seal)

EDWARD W. FOSS
(Witness)

BY: Edward W. Foss President
(Title)

YASTE, ZENT & RYE AGENCY, INC.

CONTINENTAL INSURANCE COMPANY (Seal)

Carol J. Hunk
127 W. Berry (Witness)
Fort Wayne, IN 46801

Robert K. Blotnik Attorney-in-Fact
(Title)

The Continental Insurance Company

180 Maiden Lane, New York, New York 10038

GENERAL POWER OF ATTORNEY

Know all men by these Presents, That THE CONTINENTAL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

Donald T. Belbutowski of Fort Wayne, Indiana
its true and lawful attorney, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

All Obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

Five Million (\$5,000,000) Dollars.

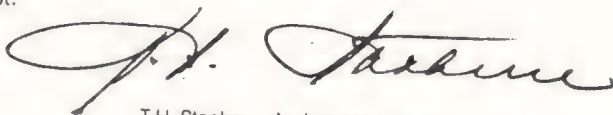
This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 1st day of November, 1977:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

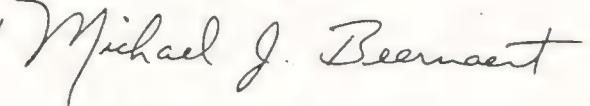
In Witness Whereof, THE CONTINENTAL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 4th day of June, 1984.

Attest:



T.H. Stephens, Assistant Vice President

THE CONTINENTAL INSURANCE COMPANY

By 

Michael J. Beernaert, Vice-President

STATE OF NEW JERSEY }

COUNTY OF MIDDLESEX }

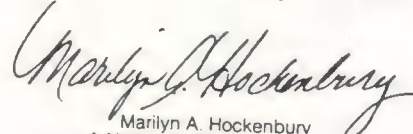
ss.:



On this 4th day of June, 1984, before me personally came Michael J. Beernaert, to me known, who being by me duly sworn, did depose and say that he is a Vice President of THE CONTINENTAL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE



Marilyn A. Hockenbury
A Notary Public of New Jersey
My Commission Expires June 23, 1988

I, the undersigned, an Assistant Vice President of THE CONTINENTAL INSURANCE COMPANY, a New Hampshire corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at Piscataway, in the State of New Jersey. Dated the 1st day of April, 1987.



James M. Keane, Assistant Vice President

BIDDING TABULATION			PROVINCE DR. RIVER PARK DR. WATER MAIN			RES. # 1037-86			BO. 88-86			JULIO 53945			APRIL 87						
CONTRACTOR			ENGR. EST.			ALL STAR CONST.			LAND EXCH.			JOHN DEHNER INC.			TOMCO CONST.			T.G. EVANS INC.			
BIDDER'S BOND						YES			YES			YES			YES			YES			
NON - COLLUSION AFFIDAVIT						YES			YES			YES			YES			YES			
FINANCIAL STATE						YES			YES			YES			YES			YES			
E.O. STATE						YES			YES			YES			YES			YES			
COMPLETION TIME						60 days			60 days			60 days			60 days			60 days			
ITEM	QUANTITY	DESCRIPTION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	U.P.	EXTENSION	
1.	1725' LF	CL # 50 C.D.I. WATER MAIN	19	-	32775	1685	290625	1825	3148175	2207	3710575	2219	3812250	2108	36323						
2.	4 EA.	6" VALVE w/ BOX	400	-	1600	280	-	360	-	1440	50935	203808	325	-	1300	-	353	-	1412	-	
3.	2 EA.	6" X 6" TEE	250	-	500	190	-	175	-	350	165	330	-	145	270	-	181	-	362	-	
4.	2 EA.	6" X 22 1/2" FILL	200	-	400	120	-	145	-	290	12804	25608	125	-	250	-	148	-	296	-	
5.	2 EA.	6" X 11 1/4" FILL	200	-	400	120	-	145	-	290	12804	25608	125	-	250	-	106	-	212	-	
6.	3 EA.	TYPE III FIRE HYDRANT ASSEMBLY	1500	-	4500	1200	-	3600	-	2665	7995	170412	511236	1750	5250	-	1362	-	4086	-	
7.	2 EA.	6" M.J. PLUG	50	-	100	25	-	50	-	125	250	4620	9240	50	-	100	-	36	-	72	-
8.	110'S Y	ASPHALT DRIVE REPLACEMENT	15	-	1650	15	-	1650	-	945	103950	1139	125236	19	-	2090	-	5494	-	604340	-
9.	165'S Y	CONCRETE DRIVE REPLACEMENT	22	-	3630	20	-	3300	-	815	134175	18	-	2970	-	30	-	4950	-	5527	-
10.	25'S Y	ASPHALT STREET RESTORATION	18	-	450	18	-	450	-	1390	34750	2562	64030	29	-	725	-	6842	-	171050	-
11.	100'S LF	STONE AREA RESTORATION	05	-	500	50	-	550	-	245	245	874	-	874	3	-	300	-	694	-	
12.	1400'S LF	GRASSY AREA RESTORATION	01	-	1400	611	-	1400	-	075	1050	069	966	2	-	2800	-	135	-	1890	-
TOTAL BID			\$47905			\$4204625			\$46123			\$5389415			\$5642750			\$6226045			

HI 76-120-24
9/24/86

WATER MAIN IMPROVEMENT RESOLUTION NO. 1037-1986

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, STATE OF INDIANA, That the construction of a system of water mains, intended and adopted for local use by the property holders in the tract to be improved and also, the requirements of other real estate to be served with extensions, be and the same is hereby ordered in and along PROVINCE AND RIVER PARK DR., IN CONCORDIA GARDENS.

Said water main, with all its appurtenances, shall be constructed in accordance with the plans and specifications now on file in the office of the Department of the Public Works and Safety of said City.

The cost of said improvement shall be apportioned against and paid by the property holders benefited, and upon the City of Fort Wayne, Indiana, if the City is benefited by said improvement, all according to the method and manner provided for in the Acts of the General Assembly of the State of Indiana, and the provisions of all Acts amendatory thereto and supplemental thereof.

Assessments, if deferred, are to be paid in ten equal annual installments with interest at the rate set by the Board of Public Works and Safety, per annum, and shall be financed by the Barrett Law Revolving Improvement Fund as provided for in the above entitled acts. All proceedings and any work done in said water main improvement, assessment of property, collection of assessments and issuance of bonds, therefore, shall be as provided for in said above entitled acts and all amendments thereto and supplemental thereof.

ADOPTED this 24th day of Sept, 19 86.

BOARD OF PUBLIC WORKS AND SAFETY

H. James Haley
H. JAMES HALEY, ACTING DIRECTOR
PUBLIC WORKS

Gosette R. Simon
GOSETTE R. SIMON, DIRECTOR
ADMINISTRATION & FINANCE

L. D. Consalvos
LAWRENCE D. CONSALVOS, DIRECTOR
PUBLIC SAFETY

ATTEST:

Helen V. Gochenour
HELEN V. GOCHENOUR, CLERK

Admn. Appr. _____

TITLE OF ORDINANCE Contract 1037-86 - Province Drive-River Park Drive

DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety Water Main

SYNOPSIS OR ORDINANCE The Contract for 1037-86 - Province Drive-River

Park Drive Water Main is for Water Main in and along Province &

River Park Drive in Concordia Gardens. All Star Construction &

Excavation, Inc., is the Contractor.

S-87-04-63

EFFECT OF PASSAGE Improved water conditions at above location.

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$42,046.25

ASSIGNED TO COMMITTEE _____

BILL NO. S-87-04-63

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the Contract

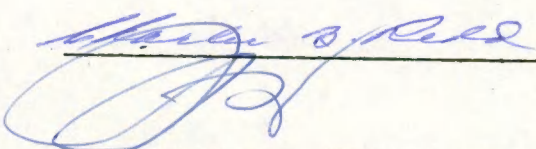
1037-86 - Province Drive-River Park Drive Water Main, between All
Star Construction & Excavation, Inc., and the City of Fort Wayne,
Indiana, in connection with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)X

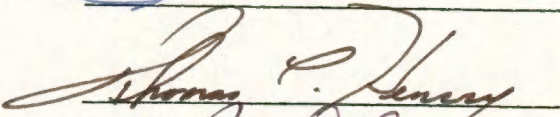
YES

NO

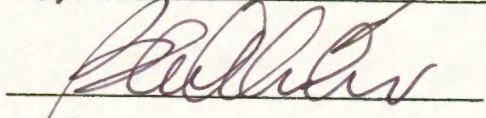


CHARLES B. REDD
CHAIRMAN

PAUL M. BURNS
VICE CHAIRMAN



THOMAS C. HENRY



BEN A. EISBART



SAMUEL J. TALARICO

CONCURRED IN 5-12-87

SANDRA E. KENNEDY
CITY CLERK